



The United States of America: Multiculturalism without Federalism

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The United States is one of the world's most diverse countries. Virtually every race, nationality, tribe, ethnic group, language, religion, and culture present in the world exists in the United States. Being the world's third largest nation in land area (9.83 million square kilometers) and population (304 million), the United States is geographically and socio-economically diverse, with considerable life-style diversity too. Yet, American federalism is remarkably homogeneous and hostile to ethnic- or linguistic-based territories. Instead, cultural diversity (except for the cultures of America's Aboriginal peoples, commonly referred to as "Indians" or "Native Americans") finds its expression primarily in the private sector, for which governments provide rights guarantees.

The founders of the United States invented modern federalism, but not with the intention of accommodating cultural communities seeking to create territorially based "homelands." The United States is a nation of immigrants. No one, except descendents of the original Indian inhabitants, can claim any ancestral homeland, nor has any immigrant group successfully claimed, like Quebecers in Canada, to be a distinct society entitled to occupy and rule a constituent state in perpetuity. Instead, territory is neutral. Only constitutionally and legally recognized geographic jurisdictions (i.e., states and localities), not the communities of people within them, are potentially perpetual.

The U.S. Constitution guarantees everyone free entry into and exit from all jurisdictions (except for some Indian lands) because the founders desired, foremost, to protect individual liberty and promote commercial prosperity. The control of any jurisdiction belongs to the majority that occupies the territory at any point in time. Given high levels of population mobility, majorities in most states and localities are fluid. For example, as the population composition of Los Angeles changed during the late 20th century, white mayors were replaced by black mayors and then by Latino mayors.

The creation of the federal system during the 1780s did, however, partly reflect a need to accommodate territorially entrenched geographic, socio-economic, and cultural diversities in the 13 original states. Most critical was the divide between the northern and southern states created by the existence of African slavery in the South. Even though white northerners and southerners shared the same language, religions, Anglo and northern European cultural heritages, and basic political principles, the southern “slavocracy” generated a distinct culture that gave rise, in effect, to a separate nation. In this respect, the United States came into being as two nations in one country – a *de facto* bicomunal federation – even though the Constitution is, arguably, against such a division. This *de facto* division sustained non-centralized federalism by asserting states’ rights and limiting exercises of federal powers. However, the union experienced conflicts and instabilities often characteristic of bicomunal countries, including a horrific civil war from 1861 to 1865. John C. Calhoun, a U.S. Vice President and U.S. Senator from South Carolina, had tried to save the union by proposing amendments, such as concurrent-majority rule and a dual (North-South) presidency, which would have turned the Constitution into a union of two territories. But such a union, along with slavery, was anathema to most northerners.

At first, the South’s defeat in the Civil War seemed to destroy slavery and the existence of two sovereign territories. Indeed, hostility to any territories based on religion, belief, or ethnicity was reflected after the war in the federal government’s military war against the western Indians and legal war against polygamy in Mormon Utah. Both wars ended with federal victories in the early 1890s. Assimilation of Indians, Mormons, and millions of immigrants into an American “melting pot” was a corollary post-war response to ethnic diversity. As a result, federal power increased and, at times, degraded state powers. However, after federal troops withdrew from the South during the early 1870s, a *de facto* division of the United States was resurrected by southern white supremacists who, along with some northern white conservatives, defended states’ rights again and opposed expansive federal power. Even during the New Deal of the 1930s when the federal government vastly increased its power over the economy, states’ rights advocates blocked most federal threats to state powers important to them. In the early 1960s the black civil rights movement compelled massive federal-government intervention, including military intervention, into state and local affairs, putting an end to the North-South division.

This produced an exponential increase in federal power over the states and their local governments. Today, no territorially based political force has a sustained interest in asserting states' rights against federal power.

Subsequent liberation movements (e.g., women, Indians, Latinos, Asians, gays, and disabled people) also entreated the federal government to protect their rights. Other movements, such as environmentalism, argued that social problems spill across state and local boundaries, thus requiring federal intervention. Thorough nationalization and initial globalization of the U.S. economy led to calls for more federal regulation to override state and local regulatory barriers to intra-national commerce. In turn, political parties became more national in their organization and operation.

These liberation movements proposed multiculturalism as an alternative to what they believed was a historically racist, sexist, and homophobic melting pot. They demanded governmental and societal recognition of their identities; proportional representation in federal, state, and local government

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institutions, plus government guarantees of their rights; protections against discrimination; equalizing affirmative-action, comparable-worth, accessibility, and social-welfare policies; and public services such as multilingual education and ballots to meet language needs. Yet only Indians today assert ancestral land claims and call themselves a "nation."

Another expression of multiculturalism was reform of federal laws in 1968 to admit more immigrants and abolish preferences for European immigrants. This reform produced massive increases of immigration from Latin America, Asia, Africa, and the Middle East. Foreign-born residents increased from 4.7 percent of the U.S. population in 1970 to

12.5 percent (totaling 37.5 million people) by 2006. Although immigrants retain many elements of their cultures, including language, most immigrants also pursue assimilation.

Multiculturalism has been associated with a flowering of federalism in many parts of the world. In the United States, however, multiculturalism has been associated with a weakening or even dissolution of federalism. This is so because American multiculturalism has no constitutional or legal bases for establishing territorial expressions that could demand federalist accommodations. On the contrary, contemporary multiculturalism is the product of a massive liberation of persons from the tyranny of states and small towns, a liberation fostered by a vast expansion of federal power over state and local governments. Those governments continue to play important roles, but diversity is protected predominantly by federal legal and social policies. Thus, whatever the future of American diversity, it will not likely include non-centralized federalism in which the states function as vigorously autonomous self-governing polities.